

REMARKS

Applicant thanks the Examiner for the consideration given the present application.

Claims 12-16, 27-30, 35-39 and 42-59 are now pending in this application. Claims 12, 27, 36, 44, 49 and 55 are independent.

Reconsideration of this application, in light of the following remarks, is respectfully requested.

Information disclosure Statement

Applicant submitted an Information Disclosure Statement (IDS) on December 27, 2004. The IDS listed a Japanese reference, cited during prosecution of a corresponding foreign application.

A primary purpose of filing this Request for Reconsideration is to permit the Examiner to consider this reference before Applicant appeals the Examiner's rejections to the U.S. Board of Patent Appeals and Interferences. The Examiner is requested to return an initialed copy of the PTO-1449 in response to this Request for Reconsideration.

Rejection Under 35 U.S.C § 103

Claims 12-16, 27-30 and 35-59 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Behr et al. (U.S. Patent 5,543,789) in view of Funk (U.S. Patent 5,793,497). This rejection is respectfully traversed.

Applicant maintains all of the arguments of record and will appeal any continuation of the Examiner's rejections upon receipt of the initialed PTO-1449. The Examiner commented on the Applicant's arguments in the Office Action mailed October 4, 2004, however the Examiner's comments are either not understood or unpersuasive to the Applicant.

A.

Applicant's first argument included the assertion that the present invention appreciated that sending travel directions to the voice mailbox was most convenient to the user because the user could select the time when they wish to listen to the travel directions by calling their voice mailbox, in the various combinations as claimed. Behr shows sending the travel directions immediately to the wireless device, and Funk offers no suggestion or teaching to do otherwise.

The Examiner's rebuttal to Applicant's argument is that Behr shows sending text-type travel instructions directly to a portable unit. Funk teaches translating a text message in a voice mailbox into a voice representation, hence making the present invention obvious. This does not address Applicant's argument. There is simply no motivation given in the references of Behr and

Funk as to why the travel directions would be sent to the voice mailbox instead of directly to the portable unit.

Applicant agrees that Funk teaches converting a text message in a mailbox into a voice message. If a text-type message (email, fax, etc.) “ends up” in a voice mailbox, then Funk will convert it into a voice message. But, please realize that Funk is not showing or suggesting that the text-type travel instructions of Behr should be sent to a voice mailbox. There is no suggestion in the prior art of record, which would cause the text-type travel directions of Behr to “end up” in a voice mailbox. There is simply no reason to modify Behr to send the travel directions to a voice mailbox, based upon the teaching of Funk or any of the other prior art of record. The prior art is devoid of any suggestion, which would lead one of ordinary skill in the art to modify Behr, in the manner suggested by the Examiner.

B.

Applicant’s second argument included the assertion that only the present invention had a call taker receiving a voice call and manually entering data, in a respective combination as claimed. Applicant pointed out that the Examiner was relying on an “operator unit,” in the prior art as anticipating the claimed limitation.

The Examiner continues to argue that a “base unit 12 includes means for receiving cellular telephone call and a operator unit which inputs data into the

system.” As previously argued, the Examiner is relying on circuits and software to show Applicant’s claimed person who performs a manual activity. This line of reasoning is not fully understood by the Applicants, since a device does not perform “manual” activities. If this rejection continues, it will hopefully be resolved in our upcoming Appeal.

C.

Applicant’s third argument included the assertion that the travel directions request is sent/received in a voice form and converted into text information, in the combinations as claimed. Behr et al. receive a “data or text-type” information request for travel directions from a comparatively sophisticated wireless portable device (e.g. a PDA or laptop), and Funk fails to cure the deficiencies of Behr.

The Examiner notes that Behr’s portable device is capable of voice communications. Applicant agrees. However, the voice communications in Behr’s system are not travel direction requests, as presently claimed. Behr’s portable device sends travel direction requests in a data or text-type form, and also includes an ability to allow a user to make a voice call to another person. The Examiner is combining diverse portions in the disclosure of Behr to create a non-existing hybrid embodiment. There is simply no disclosure in the Behr or Funk references to have travel directions sent from a portable unit in voice form, in the combinations as claimed.

If the Examiner continues to reject the application, the Examiner is asked to fully address the missing structures and steps of Applicant's claims relative to the applied prior art, and the motivation for supplying the missing structures and steps. If the Examiner believes that his rejections should stand, the Examiner is asked to return an initialed copy of the PTO-1449, so that we may expeditiously proceed to Appeal.

For the reasons as stated above, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn.

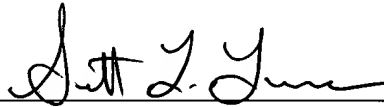
It is believed that a full and complete response has been made to the Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Scott L. Lowe (Reg. No. 41,458) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 50-1602 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By _____
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